

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRETT HENDRICKSON,

Plaintiff,

v.

No. 18-CV-01119-RB-LF

**AFSCME COUNCIL 18; MICHELLE LUJAN
GRISHAM, in her official capacity as
Governor of New Mexico; and HECTOR
BALDERAS, in his official capacity as Attorney
General of New Mexico,**

Defendants.

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF UNION
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO
PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.8, Defendant AFSCME Council 18 advises the Court of the recent Memorandum and Order in *City of Rio Rancho v. AFSCME, Council 18, Local 3277, et al.*, No. CV-2019-1398 (New Mexico District Court, Bernalillo County, Oct. 28, 2019), attached as Exhibit A. The Order affirms a decision of the New Mexico Public Employee Labor Relations Board cited by Defendant in support of its Motion for Summary Judgment. Dkt. 32, at 16.

The Order is relevant to Defendant's pending Motion for Summary Judgment because it rejects the same argument that Plaintiff Brett Hendrickson makes here, which is that *Janus v.*

AFSCME Council 31, 138 S.Ct. 2448 (2018), invalidated current union members' dues authorizations voluntarily agreed to before that decision issued. *See* Ex. A at 8-9. Specifically, the court found that "*Janus* did not address the payment of union dues by union members. Its holding is clearly limited to the payment of union fees by nonmembers." *Id.* at 9. Defendant makes this same argument in support of its motion for summary judgment and in opposition to Plaintiff's cross-motion for summary judgment. Dkt. 32, at 15-17; Dkt. 39, at 9-11; Dkt. 45, at 3-5.

Dated: October 31, 2019

Respectfully submitted,

/s/ Eileen B. Goldsmith

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was electronically filed and served through the CM/ECF system this 31st day of October, 2019, on all registered parties.

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